



**Testimony before the Housing Committee
March 8, 2012**

SB 94, AA Concerning the Equal Treatment of Renters with Mental Disabilities

Submitted by: Dominique S. Thornton, Esq., Mental Health Association of CT, Inc.

Senator Gomes, Representative Butler and members of the committee, my name is Dominique Thornton and I am the General Counsel and Director of Public Policy for the Mental Health Association of Connecticut, Inc. (MHAC). MHAC was established in 1908, the first private nonprofit dedicated to service, education and advocacy for people experiencing mental health disabilities. Thank you for the opportunity to come before you today to testify in support of SB 94, AA Concerning the Equal Treatment of Renters with Mental Disabilities amending CGS Sec. 47a-23c. Commonly known as the Good Cause Eviction Statute, this legislation protects certain classes of individuals from eviction except for good cause. The prohibition from eviction of certain tenants except for good cause extends to persons sixty-two years of age or older, or to those who permanently reside with a family member in such a protected category, or who are blind or who are physically disabled. It does not protect persons who are mentally disabled. The current law protecting persons age sixty-two and over and family members should also protect persons who are physically or mentally disabled and family members from eviction without good cause. To be clear, this law does not prohibit the eviction of seniors or tenants with disabilities. It merely requires that there be a good cause reason for the eviction, other than lapse of time, and those reasons are stated and it does not apply to dwellings of five or less units.

The Connecticut Constitution, federal laws including the ADA require persons with mental disabilities be treated the same as persons with physical disabilities. Adopted November 28, 1984, Article fifth of the amendments to the state constitution was amended to ensure that:

"No person shall be denied the equal protection of the law nor be subjected to segregation or discrimination in the exercise or enjoyment of his or her civil or political rights because of religion, race, color, ancestry, national origin, sex or physical or mental disability."

I applaud and wholeheartedly support the concept of equal treatment of renters proposed in Raised Bill 94 but request that the LCO 873 language be further amended as follows:

“(a) (1) Except as provided in subdivision (2) of this subsection, this section applies to any tenant who resides in a building or complex consisting of five or more separate dwelling units or who resides in a mobile manufactured home park and who is either: (A) Sixty-two years of age or older, or whose spouse, sibling, parent or grandparent is sixty-two years of age or older and permanently resides with that tenant, [;] or (B) [blind, as defined in section 1-1f; or (C) physically disabled, as defined in section 1-1f] a person with a physical or mental disability, as defined in subdivision (8) of section 46a-64b, or whose spouse, sibling, child, parent or grandparent is a person with such a disability and permanently resides with that tenant, but only if such disability can be expected to result in death or to last for a continuous period of at least twelve months.”

The definition in Subdivision (8) of section 46a-64b of "Physical or mental disability" includes, but is not limited to, mental retardation, as defined in section 1-1g, and physical disability, as defined in subdivision (15) of section 46a-51 and also includes, but is not limited to, persons who have a handicap as that term is defined in the Fair Housing Act. The federal Fair Housing Act (FHA) makes it illegal to discriminate on the basis of mental or physical disability in the sale or rental of housing. The FHA's ban on disability discrimination reflects a "clear pronouncement of a national commitment to end the unnecessary exclusion of people with handicaps from the American mainstream."¹ An Act Concerning the Equal Treatment of Renters promotes an end to the exclusion of persons with disabilities from the mainstream because it prevents unnecessary dislocation and upheaval in their living arrangement from which they have fewer resources to respond and are less able to adapt.

The LCO 873 language is similar to the federal definition except that it erroneously places an "and" instead of an "or" between the first and second requirements on line 14. Thus, it would require a person have both the substantial limitation and have a record of the same instead of one or the other requirement. We support treating renters with actual impairments the same as defined in federal law, but not to be more restrictive. I also strongly support that its protection extend to family members of persons who have physical or mental impairments

¹ Committee on the Judiciary, U.S. House of Representatives, H.R. Rep. No. 100-711: Fair Housing Amendments Act of 1988, at 18 (1988), reprinted in 1988 U.S.C.C.A.N. 2173, 2179 (hereinafter "H.R. Rep.")

that substantially limits one or more major life activities or a record of such an impairment in the same manner that protection is afforded to persons sixty-two years of age or older and permanently residing with a spouse, sibling, parent or grandparent. I think it is important that the state encourage and protect family members who are supporting elders and persons with disabilities in the community.

Connecticut has determined it to be good policy that more persons with disabilities be provided greater opportunities to reside in the community. It only makes sense to support the efforts of family members who struggle to care for them and not be forced to move out of their homes for lapse of time. Family support is so often needed to make a life in the community a possibility.

Finally, I would like to ask that Section 2 amending section 47-88b be omitted because it refers to a section in the Condominium Act Chapter 825 that was superseded in 1983 by C.G.S. 47-290, which is part of the Common Interest Ownership Act Chapter 828 and also because it appears to require a "statement of physician." This requirement is an overly restrictive because so many persons experiencing mental health issues are successfully and safely treated by other health care providers in the community who are not physicians such as: psychologists, APRN's, LCSW's, MSW's, etc.

The right to be treated equally and to be free from discrimination is essential to make the goal of independent living in the community a reality. The Amendment to this act will further the goal to ensure that all people have equal access to housing but also recognize the reality that people with disabilities may need extra tools to achieve equality.

Thank you.